1948

File No. 0 - Telegraph / 48

Legal DEPARTMENT

A BRANCH

Subject:— PHF

Opinions under the

Indian Telegraph Act,

1885

File No. 0

Std. Sectt. Slip 24 B a. Telegraph / 48

446-A

C O N T E N T S.

Legal Department File No. 10 Telegraphs/46.

Or. No.	R.I./G.No.	Subject	Pages.
1.	G.No. 8084 25-8-48.	Indian Telegraph Act, 1885. Sec. 10 & 16. Route of 22 KV lines for supply of power to Kami Metal Works at Kurla. Draft order.	1-6.

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D.M.
25/5/56

No. 8084
Office of the
Remembrancer of Legal Affairs.
Bombay Castle, 23rd August 1948.

To
The Commissioner of Police,
Greater Bombay, Bombay.

Subject:- Route of 22 KV. lines for supply of power to Kamni Metal Works at Kurla.

Sir,

With reference to your Endorsement No. 3001A/6, dated the 10th August 1948, on the above subject, I have the honour to state as follows:-

The properties in respect of which the Tata Power Company is resisted from exercising their powers under section 10 of the Act are all situated in Kurla. Kurla now forms part of Greater Bombay whichis within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay under the Bombay Act XVII of 1945. The Commissioner of Police Bombay, therefore, is competent to make an order under section 16 of the Act read with section 54 thereof.

2. The Tata Power Company in their letter dated the 2nd August 1948 observes that, as the work to be done by them is in connection with the supply of electrical energy and as the transmission lines to be erected for the purpose has been sanctioned by Government, the words "Transmission Lines" may be substituted in place of "Telegraph Lines" in the notice proposed to be served by the Commissioner of ~~Bombay~~ Police. The Chief Police Prosecutor inhis letter dated the 6th August 1948 thinks that the expression "telegraph line or lines" means and connotes the expression "transmission lines," and that there is no need to change the order as suggested by the Company. It maybe pointed out that under G.N., P.W.D., No. 2264/37, dated the 23rd July 1938, the Governor-in-Council conferred upon the Tata Power Company, for the placin of appliances and apparatus for the transmission of energy for the purpose of their undertaking, the powers which the Telegraph Authority possesses under sections inter alia 10 and 16 of the Indian Telegraph Act, 1885. It is therefore necessary to specify in the order that the Tata Power Company is permitted, for the placing of appliances and apparatus for the transmission of energy for the purpose of their undertaking,

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the powers which the Telegraph Authority possesses under the said sections, with respect to the placing of telegraphlines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

5. A revised draft Order is accordingly sent herewith.

Yours faithfully,

Additional Secretary to Government.

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ORDER

Whereas by Government notification in the Public Works Department, No. 2864/27, dated the 23rd July 1929, the Governor-in-Council was pleased to confer upon the Tata Power Company, Limited, for the placing of appliances and apparatus for the transmission of energy for the purpose of their undertaking, the powers which the Telegraph Authority possesses under sections 10, 11, 12., 13, 14, 15, 16, 17, 18, 19 and 19A of the Indian Telegraph Act 1885 (XIII of 1885), with respect to the placing of telegraph & lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

And whereas the exercise of the said powers by the Tata Power Company, Limited, in respect of the property specified in column I of the Schedule hereto appended belonging to and owned by the person specified against it incolumn 2 thereof is resisted or obstructed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 16 of the said Act, read with section 34 t ereof, I, Sahangir Sohrab Bharucha, I.P., Commissioner Police, Greater Bombay, order that the said Tata Power Company Limited shall be ~~xxxxxxxxxx~~ permitted to exercise, for the placing of appliances and apparatus for the transmission of energy for the purpose of their undertaking, the powers which the Telegraph Authority possesses under section 10 of the said Act.

SCHEDULE

Description of property. 1.	Name of Land Owner and address. 2.
Head Police Office) Bombay 1948).	Commissioner of Police, Greater Bombay.

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